

JACKSON LEWIS P.C.

Joshua A. Sliker (Nevada Bar No. 12493)

Joshua.Sliker@jacksonlewis.com

300 S. Fourth Street, Suite 900

Las Vegas, NV 89101

Telephone: (702) 921-2460

Facsimile: (702) 921-2461

CHARIS LEX P.C.

Sean P. Gates (*admitted pro hac vice*)

sgates@charislex.com

Douglas J. Beteta (*admitted pro hac vice*)

dbeteta@charislex.com

301 N. Lake Ave., Suite 1100, Pasadena, CA 91101

Telephone: (626) 508-1717

Facsimile: (626) 508-1730

Attorneys for Plaintiff/Counter-Defendant Tesla, Inc.

(Additional Counsel Listed on Second Page)

TIFFANY & BOSCO, P.A.

Robert D. Mitchell (*admitted pro hac vice*)

rdm@tblaw.com

William M. Fischbach III (*admitted pro hac vice*)

wmf@blaw.com

Camelback Esplanade II, Seventh Floor

2525 East Camelback Road Phoenix, Arizona 85016-4229

Telephone: (602) 255-6000

Facsimile: (602) 255-0103

Attorneys for Defendant/Counter-Plaintiff Martin Tripp

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TESLA, INC., a Delaware corporation,

Plaintiff,

vs.

MARTIN TRIPP, an individual,

Defendant.

Case No. 3:18-cv-00296-LRH-CBC

**STIPULATION AND [PROPOSED]
MODIFICATION TO
SCHEDULING ORDER**

(THIRD REQUEST)

AND RELATED COUNTERCLAIMS

HUESTON HENNIGAN LLP

John C. Hueston (*admitted pro hac vice*)

jhueston@hueston.com

Allison L. Libeu (*admitted pro hac vice*)

alibeu@hueston.com

523 W. 6th St., Suite 400

Los Angeles, CA 90014

Telephone: (213) 788-4340

Facsimile: (888) 775-0898

Attorneys for Plaintiff/Counter-Defendant Tesla, Inc.

Pursuant to Local Rule 26-4, Plaintiff and Counter-Defendant Tesla, Inc. (“Tesla”) and Defendant and Counter-Plaintiff Martin Tripp (“Tripp”) submit the following Stipulation and Proposed Modification to Scheduling Order. In accordance with the local rules and the Court’s prior direction, the parties have chosen to engage in private mediation. Thus, the parties respectfully submit that modification of the scheduling order is warranted to ensure the parties can complete the mediation and remaining discovery. In support of and as good cause for this stipulation, the parties state as follows:

- (a) On August 28, 2018, the Court entered the Discovery Plan and Scheduling Order (“Scheduling Order”) (ECF No. 31);
- (b) On August 29, 2018, the parties exchanged initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) and the Scheduling Order;
- (c) During the discovery period, the parties have exchanged expert reports, requests for documents, interrogatories, and requests for admission as well as responses thereto;
- (d) The parties have also taken eleven depositions and plan to take several more;
- (e) On December 5, 2018 and March 6, 2019, the Court modified the Scheduling Order pursuant to stipulation of the parties (ECF Nos. 55 & 68);
- (f) In June 2019, Tesla retained additional counsel for this case and they were granted pro hac vice admission on June 4, 2019;
- (g) Pursuant to Local Rule 16-5 and the Court’s direction, the parties elect private mediation as an alternative dispute resolution process;
- (h) The parties are in the process of selecting a mediator and scheduling the mediation, and many of the potential mediators must be scheduled weeks or months in advance;
- (i) The parties respectfully submit that this mediation should be completed prior to the outstanding depositions;
- (j) To allow for sufficient time to complete the mediation and the remaining depositions, the parties agree to extend the following deadlines for sixty (60) days:
 - (i) the discovery cutoff date; (ii) the deadline for dispositive motions; and (iii) the deadline for filing the pretrial order;

1 (k) This is the third request for modification of the Scheduling Order;

2 (l) The parties do not anticipate requesting further modification of the Scheduling
3 Order; and

4 (m) This stipulation complies with Local Rule 26-4 in that it is filed not later than
5 twenty-one (21) days before the subject deadlines.

6 For the foregoing reasons, the parties stipulate and respectfully request that the Scheduling
7 Order be modified as follows:

8 1. **Discovery Cutoff Date:** Discovery shall be extended approximately sixty (60) days
9 to September 9, 2019. This is the deadline for completing discovery and means all discovery must
10 be commenced in time to be completed by September 9, 2019.

11 2. **Dispositive Motions:** Dispositive motions may be filed no later than October 9,
12 2019, which is thirty (30) days after the discovery deadline. In the event that the discovery period is
13 extended from the discovery cutoff date set forth herein, the date for filing dispositive motions shall
14 be extended for the same duration, to be no later than thirty (30) days from the subsequent
15 discovery cutoff date.

16 3. **Pretrial Order:** The pretrial order shall be filed by November 8, 2019, which is
17 thirty (30) days after the date set for filing dispositive motions. In the event dispositive motions are
18 filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the
19 decision of the dispositive motions or until further order of the Court. In the further event that the
20 discovery period is extended from the discovery cutoff date set forth herein, the date for filing the
21 joint pretrial order shall be extended in accordance with the period set forth in this paragraph. The
22 disclosures required by Federal Rule of Civil Procedure 26(a)(3), and any objections thereto, shall
23 be included in the pretrial order.

24 4. All other deadlines remain as stated in the Discovery Plan and Scheduling Order
25 previously entered by the Court (ECF Nos. 31, 55 & 68).
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1 Dated: June 18, 2019

CHARIS LEX P.C.

2
3 By: /s/ Sean P. Gates
4 Sean P. Gates
5 Attorneys for Plaintiff and
Counter-Defendant Tesla, Inc.

6 Dated: June 18, 2019

TIFFANY & BOSCO, P.A.

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8 By: /s/ William Fischbach
9 William Fischbach
10 Attorneys for Defendant Martin Tripp

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12
13 **ORDER**

14 IT IS SO ORDERED:

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17 HON. CARLA BALDWIN CARRY
18 UNITED STATES MAGISTRATE JUDGE

19 DATED: _____
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